IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 3994 of 1995

Between:

The Executive Engineer, R&B, Roads Division, Sub-Div.I,
Goshamahal, Hyderabad

..... PETITIONER

AND

1 The Labour Court III rep. by Presiding Officer
4th Floor, Chandravihar, Hyderabad
2 S. Galaiah C/o B.G. Ravindra Reddy
H.No.2-2-1137-8/1/B/1, New Nallakunta,
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari or any other appropriate Writ or direction calling for the records relating to the award passed in I.D.No.519 of 1993 dt: 20-10-1993 on the file of the 1st respondent, and set aside the same as illegal and without jurisdiction.

Counsel for the Petitioner: GP FOR ROADS & BUILDINGS

Counsel for the Respondent No.1: G.P. for Labour

Counsel for the Respondent No2: MR.B.G.RAVINDRA REDDY

The Court made the following :

O R D E R:

This Writ Petition is filed challenging the Award dated 20.10.1993 passed by the first respondent-Labour Court-III, Hyderabad in I.D.No.519 of 1993.

2. The second respondent was appointed as worker under the petitioner herein as a casual workman on daily wage basis. However, his services were terminated after putting in five years of service. Assailing the said termination order, the second respondent raised an industrual dispute before the first respondent Tribunal under Section 2 (A) (2) of the Industrial Disputes Act,1947 in I.D.No.519 of 1993. The learned Tribunal after adjudicating the matter, recorded a finding to the effect that the action of the petitioner-management herein was illegal being in contravention of Section 25-F of the Industrial Disputes Act. Accordingly, the learned Tribunal passed the Award dated 20.10.1993 setting aside the termination order dated 31.10.1987 and directed the management to re-instate the petitioner with continuity of service and also back wages @ Rs.1,000/- per annum from the date of termination till the date of award. Assailing the said Award, the present Writ Petition has been filed by the petitioner-management.

3. However, it is brought to the notice of this Court that the second respondent was reinstated on 25.9.1990.

4. The learned Government Pleader submits that the Award of the Tribunal is illegal and contrary to law. He further submits that when the second respondent was employed as casual labourer, the question of invoking the provisions under Section 25-F of the Industrial

Disputes Act could not arise. I am afraid that I cannot accept this contention.

5. Even though, the second respondent is a casual labourer, when once he completes the necessary period of employment as required under Section 25-F of the Industrial Disputes Act, inevitably, he cannot be terminated from service except following the procedure laid down under Section 25-F of the Act. In the instant case, the termination is in violation of section 25-F of the Industrial Disputes Act. Therefore the Tribunal granted the relief to the second respondent-workman. The finding of the Tribunal that the petitioner-management has violated Section 25-F of the Act is based on evidence on record and that the second respondent-workman had completed the required service of 240 days. In that view of the matter, such a finding cannot be disturbed in the writ petition under Article 226 of the Constitution of India. Thus, I do not find any error apparent on the face of the record.

6. Accordingly, the Writ Petition is dismissed. No costs.

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G.BIKSHAPATHY,J

Dated:23.9.2004,

ccm.

To:

1 The Presiding Officer, Labour Court III 4th Floor, Chandravihar, Hyderabad
2 The Executive Engineer, R&B, Roads Division, Sub-Div.I, Goshamahal,

Hyderabad

3. 2 CCs to the G.P. for Roads & Buildings, High Court Buildings,

A.P.Hyderabad.

4 2 CCs to the G.P. for Labour, High Court Buildings, A.P.Hyderabad.

5. 2 CD copies.